

## **REMARKS**

### **Summary of the Office Action**

Claims 1-20 are pending in this Application. In the Office Action, the Examiner asserted that the claims are directed to patentably distinct species of inventions and entered a restriction requirement under 35 U.S.C. § 121. Specifically, the Examiner requires election of one of the following groups of claims:

Group I, Claims 1-9 and 18-20; or

Group II, Claims 10-17

### **Traverse and Provisional Election**

In response to the restriction requirement, Applicant respectfully traverses the restriction requirement and request that the requirement be withdrawn.

Pursuant to M.P.E.P. § 803, a restriction requirement is proper only if (1) the inventions are independent or distinct as claimed, and (2) there would be a serious burden on the Examiner if the restriction is not required. Here, each group relates to an easy open can end including a coined center panel. Because each of the groups to easy open can ends having this coining feature, Applicant submits that the same classes and subclasses would be searched for each group. Thus, there would not be a serious burden on the Examiner if the restriction is not required.

The differences between the claimed embodiments correspond to forming and particular physical characteristics of the easy open can end member. Accordingly, while these claims are patentably distinct, the core patentable components are present in each of these embodiments, and therefore a search of these core components would be identical for each of these groups. Moreover, because the core patentable components are present in each of the above embodiment, many of the claims are properly linked with several of the Figures.

Moreover, a *prima facie* showing has not been made for insisting upon the restriction. Nothing has been represented to the Applicants to show a serious burden if restriction is not required. Therefore, Applicants respectfully request that the restriction requirement be withdrawn because there would not be a serious burden if restriction is not required.

If the Examiner makes the restriction requirement final, Applicants provisionally elect to prosecute the claims of Group II, Claims 10-17. As such, Applicants request the claims in Group II, Claims 1-9 and 18-20 be withdrawn without prejudice if the restriction is not removed.

Upon allowance of a generic claim, Applicants will be entitled to conform all of the claims directed to the non-elected species to be independent from or to otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141, and have those claims examined in the present Application.

The Examiner is requested to contact the undersigned if the Examiner has any questions concerning this Reply, or if it will expedite the progress of this application.

Respectfully submitted,

Date: March 24, 2006

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 24, 2006.

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